

## REMARKS

This is a full and timely response to the outstanding final Office Action mailed January 4, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Claim Rejections - 35 U.S.C. § 102(e)**

Claims 1 and 17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Smith, et al. ("Smith," U.S. Pat. No. 6,785,015). Applicant respectfully traverses this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the Smith reference. Applicant discusses the Smith reference and Applicant's claims in the following.

Applicant's claims 1 and 17 provide as follows (emphasis added):

1. A method for reporting event data to requesting subscribers using a manufacturing repository for collecting event data that is connected to a subscriber profile system for storing information relating to subscribers and a production system for storing information relating to manufacturing, comprising:

*gathering event data from a plurality of peripheral devices* connected to the manufacturing repository, the event data relating to events that have occurred at the peripheral devices;

saving the event data to a database;

*automatically notifying designated subscribers about logged events*  
according to criteria indicated by subscriber profiles;

*selectively generating subscription reports* according to criteria  
indicated by the subscriber profiles; and

automatically sending subscription reports to designated subscribers  
according to criteria indicated by the subscriber profiles.

17. A computer program product comprising a computer usable  
medium having computer readable program codes embodied in the medium  
that when executed causes a computer to:

*gather event data from a plurality of peripheral devices* connected to  
a manufacturing repository, the event data relating to events that have occurred  
at the peripheral devices;

save the event data to a database;

*automatically notify designated subscribers about logged events*  
according to criteria indicated by subscriber profiles;

*selectively generate subscription reports* according to criteria indicated  
by the subscriber profiles; and

automatically send the subscription report to designated subscribers  
according to criteria indicated by the subscriber profiles.

Smith does not teach several of the above limitations. As a first matter, Smith does not teach either “gathering event data from a plurality of peripheral devices” or “codes . . . that when executed causes a computer to: gather event data from a plurality of peripheral devices”. Instead, Smith teaches a peripheral device that independently provides information to requestors. In other words, Smith anticipates no central repository for collecting event data from multiple peripheral devices. Smith does not state that any peripheral device gathers event data from any other peripheral device.

Smith further does not teach “automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles” or “codes . . . that when

executed causes a computer to: automatically notify designated subscribers about logged events according to criteria indicated by subscriber profiles”, *and* “selectively generating subscription reports according to criteria indicated by the subscriber profiles” or “codes . . . that when executed causes a computer to: selectively generate subscription reports according to criteria indicated by the subscriber profile”. Specifically, if it is argued that Smith teaches generating and sending out reports to subscribers, Smith does not teach *separately* generating and sending out notifications as is required by Applicant’s claims 1 and 17. Applicant’s specification clearly describes these two distinct communications: (i) notifications that alert the subscriber to an event when information concerning the event is received (see, e.g., page 7, line 21 to page 8, line 4), and (ii) reports that summarize events that occurred over a given time cycle (see, e.g., page 8, lines 5-18). Smith simply does not identify both of these communications.

Due to the distinctions described in the foregoing, Applicant respectfully asserts that Smith does not anticipate Applicant’s claims 1 and 17. Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

## **II. Claim Rejections - 35 U.S.C. § 103(a)**

### **A. Rejection of Claims 1-3, 5-12, 17, 18, and 20**

Claims 1-3, 5-12, 17, 18, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghannam, et al. (“Ghannam,” U.S. Pat. No. 6,651,062) in view of Barrett, et al. (“Barrett,” U.S. Pat. No. 5,568,612). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the

claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, the applied references do not teach or suggest all the claim limitations. Furthermore, there is no suggestion or motivation in the art to modify the references to arrive at Applicant's claims. Applicant discusses the references and Applicant's claims in the following.

As noted in the previous response, Ghannam discloses a method and apparatus for managing data for use by data applications. As is described by Ghannam, the disclosed system includes a data management system 210 that receives information from one or more data sources, processes the information according to policies, and stores the information in a data warehouse. Ghannam, column 4, lines 37-40. The data warehouse can then be "accessed by applications that perform analysis with the data." Ghannam, column 4, lines 40-42. Accordingly, the Ghannam system merely collects and stores data which users can access, under their own volition, using an appropriate "application." Example applications include SQL, ODBC, and COBRA. Ghannam, column 7, lines 42-44. As is noted in the Office Action,

Ghannam further anticipates a graphical user interface for configuring a “network link report.” Ghannam, column 27, lines 15-28. Notably, however, that interface is not used to configure or schedule notifications or reports that are sent to subscribers. Finally, as for the “data sources,” Ghannam discloses “management servers, network entities or any other source of management data.” Ghannam, column 6, lines 29-30.

In the Office Action, it is stated that Ghannam teaches “gathering event data from a plurality of devices connected to the manufacturing repository”. Applicant notes, however, that Applicant’s independent claims 1 and 17 do not merely recite gathering event data from “devices”, but instead require gathering event data from “peripheral devices”. Specifically, claim 1 requires “gathering event data from a plurality of peripheral devices”, and claim 17 requires “codes . . . that when executed causes a computer to: gather event data from a plurality of peripheral devices”. As is identified above, Ghannam only discusses gathering data from “data sources” such as “management servers”. Applicant notes that such “sources” simply do not equate to, or render obvious, peripheral devices. As is well known to persons having ordinary skill in the art, the term “peripheral device” is used to identify devices that are used *in conjunction with* computers, such as in conjunction with server computers. As defined by webopedia.com, a continually-updated online dictionary for computer and Internet technology, the term “peripheral device” denotes:

A computer device, such as a CD-ROM drive or printer, that is not part of the essential computer, i.e., the memory and microprocessor. Peripheral devices can be external -- such as a mouse, keyboard, printer, monitor, external Zip drive or scanner -- or internal, such as a CD-ROM drive, CD-R drive or internal modem.  
www.webopedia.com, definition for “peripheral device.”

Without a teaching specific to peripheral devices, Ghannam fails to teach or suggest the above-described limitations.

The Office Action further argues that Ghannam teaches “notifying designated subscribers according to criteria indicated by subscriber profiles.” For support, the Office Action cites column 27, lines 3-10 of the Ghannam disclosure, which provides:

FIG. 14 is a representation of a graphical user interface for configuring a network link report. As discussed above, information stored from various data sources may be accessed by an application 202. For example, information may be collected from multiple network domains by multiple network management systems. This information may be consolidated or combined in data warehouse 203. Interface 1401 accepts parameters from a user to present to the user utilization statistics based on links in the network. In particular, system 203 may show a graph 1402 to an administrator to show the percent utilization for links of systems based on a specified time period. Also, the graph 1402 may be based on the number of bytes, packets, or other parameter used to show capacity of a communication link.

Although this excerpt from the Ghannam disclosure describes using “parameters from a user to present to the user utilization statistics”, the excerpt is not discussing Ghannam’s invention, i.e., the data management system 210 that collects data from the various data sources. Instead, the excerpt is describing operation of a separate “application” 202 that a user can use to parse through the data that is collected by the data management system 210. In other words, Ghannam’s data management system 210 does not, as is suggested in the Office Action, notify designated subscribers according to criteria indicated by subscriber profiles. Instead of using such subscriber profiles, Ghannam’s data management system 210 only collates the collected data according to “policies” that are established by an appropriate user, such as a system administrator. As is described by Ghannam:

. . . data management system 210 receives information from one or more data sources, processes the information according to policies, and stores the information in a data warehouse. The data warehouse can be accessed by applications that perform analysis with the data. Ghannam, column 4, lines 37-42.

Accordingly, Ghannam's system does not present information to users (or "subscribers") based upon their individual subscriber profiles. Instead, Ghannam's system merely collects information, and leaves it to the various users to obtain and execute an appropriate "application" to access the pieces of information about which the user is interested. Ghannam's system clearly does not comprise such applications.

In view of the above, Ghannam does not provide a method, or program, that reports event data to requesting subscribers according to subscriber profiles, as are respectively recited in Applicant's claims. Applicant further notes that, for at least the same reason, Ghannam does not teach or suggest "selectively generating subscription reports according to criteria indicated by the subscriber profiles" or "codes . . . that when executed causes a computer to: selectively generate subscription reports according to criteria indicated by the subscriber profile". In particular, Ghannam's system generates no reports, whether it be in accordance with a subscriber profile or some other criteria.

Later in the Office Action, it is admitted that Ghannam does not teach or suggest any of (i) gathering event data relating to events that have occurred at a peripheral device, (ii) automatically notifying subscribers about logged events, and (iii) automatically sending subscription reports to designated subscribers. Because of these shortcomings, in the Office Action relies upon the Barrett reference to provide the missing teachings. Before addressing

those limitations, however, Applicant notes that Barrett does not remedy the various deficiencies of the Ghannam disclosure described in the foregoing.

Turning to the various limitations that Barrett is purported to teach, Applicant first notes that Barrett does not teach automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles. Specifically, although column 14, lines 12-51 identified in the Office Action describes various information being provided over a network, that portion of the Barrett reference simply does not describe any “automatic notification” as to events, or sending of such an automatic notification according to “criteria indicated by subscriber profiles”. Indeed, the entire Barrett disclosure is silent as to subscriber profiles.

As a further matter, Applicant notes that Barrett does not teach automatically sending subscription reports to designated subscribers according to criteria indicated by the subscriber profiles. Although column 17, lines 15-20 of the Barrett reference mentions “autologging” status information from a printer to a LAN, this does not equate to automatically sending “subscription reports” to designated subscribers according to “criteria indicated by the subscriber profiles”. Again, Barrett does not anticipate sending information to subscribers based on any subscriber profiles. As a further matter, Applicant notes that the status information described by Barrett is automatically sent from a *printer* to the *LAN*. Barrett says nothing of automatically sending event data from a *central repository* to *subscribers*.

In summary, it is Applicant’s position that a *prima facie* for obviousness has not been made against Applicant’s claims. Therefore, it is respectfully submitted that each of these claims is patentable over Ghannam and Barrett and that the rejection of these claims should be withdrawn.



**B. Rejection of Claims 13-16 and 19**

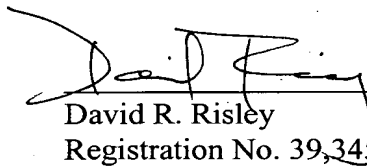
Claims 13-16 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghannam and Barrett in view of Bowman-Amuah (U.S. Pat. No. 6,571,282). Applicant respectfully traverses this rejection.

As is identified above in reference to independent claims 1 and 17, Ghannam and Barrett fail to account for several of Applicant's explicit claim limitations. In that Bowman-Amuah does not remedy the deficiency of the Ghannam and Barrett references, Applicant respectfully submits that claims 13-16 and 19 are allowable over the Ghannam/Barrett/Bowman-Amuah combination for at least the same reasons that claims 1 and 20 are allowable over Ghannam/Barrett.

### CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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2-17-05  
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Signature